

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

MALCOLM SANDERS, #251043,)	
)	
Plaintiff,)	
v.)	CASE NO. 1:09-cv-1045-MEF
)	
LEARY, STAFF, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

On October 27, 2011, the Magistrate Judge filed a Recommendation (Doc. #25) in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is the

ORDER, JUDGMENT and DECREE of the court that:

1. The Recommendation of the Magistrate Judge is ADOPTED.
2. Defendants' motion for summary judgment (Doc. #20) is GRANTED to the extent defendants seek dismissal of this case due to plaintiff's failure to properly exhaust an administrative remedy previously available to him at the Houston County Jail.
3. This case is DISMISSED with prejudice in accordance with the provisions of 42 U.S.C. § 1997e(a) for plaintiff's failure to exhaust an administrative remedy available to him during his confinement in the Houston County Jail.

DONE this the 29th day of November, 2011.

/s/ Mark E. Fuller
UNITED STATES DISTRICT JUDGE